



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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August 21, 2019

Via ECF and UPS Overnight

Hon. Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Honig, et al.;
No. 18 Civ. 8175 (ER)

Dear Judge Ramos:

We represent the Plaintiff, Securities and Exchange Commission ("Commission"), in this action. We write to respond to the Letter Motion filed today by Mr. Johnstone, one of Defendant Ladd's counsel, requesting that the Court hear oral argument on the Motions to Dismiss filed by Defendants Ladd and Brauser. Due to a scheduling conflict and unavailability of Commission counsel, we object to Ladd's suggestion that the Court hear oral argument on Defendants' Motions to Dismiss on September 11, 2019 together with the pre-motion conference already scheduled for that morning.

On September 11, 2019, Commission counsel primarily responsible for the Commission's Oppositions to the Motions to Dismiss – Jack Kaufman and Nancy Brown – are already scheduled to take depositions in another Commission matter, SEC v. Genovese, 17 Civ. 5821 (LGS) (S.D.N.Y.). After receiving the Court's Order yesterday, setting the conference on the Commission's proposed Motion to Compel (DE 159), the Commission began discussions with opposing counsel and the witness to delay the start time for that deposition. But even if the Commission is successful in moving the deposition's start time back, Mr. Kaufman, who took primary responsibility for the Commission's opposition to Ladd's Motion to Dismiss, and could take the lead on the Genovese deposition, will not be available to participate in both the pre-motion conference on the Commission's discovery issues, and to argue the Motions to Dismiss. Given the overlapping issues between Ladd's and Brauser's Motions, it does not appear efficient for the Court to hear only one of them on September 11, 2019.

In addition, we note that Defendants' reply briefs on their Motions are due to be filed on September 3, 2019. Defendant Ladd has noticed a deposition in California of a third party on September 6, 2019. As a result, Commission counsel will be left with less than a week to prepare for oral argument on the Motions to Dismiss.

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Accordingly, the Commission opposes Ladd's request, and respectfully requests that if the Court is inclined to hear oral argument on Defendants' Motions, it do so at a later date. Commission counsel has provided several dates on which we are available to Ladd's counsel for that purpose.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy A. Brown", is written over the typed name.

Nancy A. Brown

cc: All Defendants via ECF